

Introduced by Senator Steinberg

February 20, 2014

An act to amend Sections 101, 303.5, 9002, 9004, 9005, 9014, 9033, 9034, 9051, 9082.7, 9092, 9094.5, and 9604 of the Elections Code, and to amend Section 88006 of the Government Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 1253, as introduced, Steinberg. Initiative measures.

(1) Under existing law, the text of a proposed initiative measure is required to be submitted to the Attorney General for preparation of a circulating title and summary before the petition may be circulated for signatures. Existing law requires the Department of Finance and the Joint Legislative Budget Committee to jointly develop an estimate of the fiscal impact of the initiative measure and to deliver that fiscal estimate to the Attorney General within 25 working days, except as specified, for inclusion in the circulating title and summary. Existing law further requires the Secretary of State, upon request of the proponents of an initiative measure, to review the provisions of the initiative measure and to comment on the provisions of the measure with respect to form and language clarity.

This bill would require the Attorney General, upon receipt of a request to prepare the circulating title and summary, to initiate a 30-day public review process for the proposed initiative measure, as specified. The bill would require that the fiscal estimate be prepared jointly by the Department of Finance and the Legislative Analyst. The bill would require the estimate to be delivered to the Attorney General within 45 days of the date of receipt of the proposed initiative measure by the Attorney General instead of 25 working days from the receipt of the final version of the proposed initiative measure.

(2) Existing law requires the Attorney General to provide a ballot label and a ballot title for each measure to be submitted to the voters at a statewide election. Existing law requires the Attorney General to prepare a summary of the chief purposes and points of each statewide ballot measure as part of the ballot title. Existing law, including provisions of the Political Reform Act of 1974, requires the Secretary of State to make a copy of the ballot pamphlet available for public examination at least 20 days before the Secretary of State submits the copy to the State Printer.

This bill would impose specified requirements with respect to the ballot materials required to be prepared by the Attorney General. The bill would extend the number of days, from 20 to 25, that the Secretary of State is required to make the copy of the ballot pamphlet available for public examination.

(3) Existing law prohibits a petition for a proposed initiative or referendum measure from being circulated prior to the official summary date, and prohibits a petition with signatures on a proposed initiative measure from being filed with the county elections official later than 150 days from the official summary date.

This bill would extend the date that a petition with signatures on a proposed initiative measure is required to be filed with the county elections official to not later than 300 days from the official summary date.

(4) Existing law requires the Secretary of State to notify the proponents, and immediately transmit to the elections official or registrar of voters of every county or city and county in the state a certificate, when the Secretary of State has received from one or more elections officials or registrars a petition certified to have been signed by the requisite number of qualified voters.

This bill would instead require the Secretary of State to issue a notice of qualification. The bill would require the Secretary of State to issue a certificate identifying all of the measures for which he or she issued a notice of qualification for a given election, as specified.

(5) Under existing law, the Secretary of State is required to transmit copies of an initiative measure and its circulating title and summary to the Senate and the Assembly after the measure is certified to appear on the ballot for consideration by the voters. Existing law requires that each house of the Legislature assign the initiative measure to its appropriate committees, and that the committees hold joint public

hearings on the subject of the proposed measure prior to the date of the election at which the measure is to be voted upon, as specified.

This bill would require the Secretary of State to transmit copies of the initiative measure and circulating title and summary to the Legislature after receiving a certification from the initiative proponents, signed under penalty of perjury, that they have collected 25% of the number of signatures needed to qualify the initiative measure for the ballot. The bill would require the appropriate committees of the Senate and Assembly to hold the joint public hearing on the subject of the measure not later than 131 days prior to the date of the election at which the measure is to be voted upon.

(6) Existing law requires the Secretary of State to disseminate the complete state ballot pamphlet over the Internet and to establish a process to enable a voter to opt out of receiving the state ballot pamphlet by mail. Existing law requires the Secretary of State to develop a program to utilize modern communications and information processing technology to enhance the availability and accessibility of information on statewide candidates and ballot initiatives, including making information available online as well as through other information processing technology.

This bill would require the Secretary of State to establish a process to enable a voter to receive the state ballot pamphlet in an electronic format instead of by mail. The bill would also require the Secretary of State to create an Internet Web site, or use other available technology, to consolidate information about each ballot measure in a manner that is easy for voters to access and understand. The Internet Web site would be required to include a summary of each ballot measure and to identify the donors and other sources of funding for the campaigns for and against each ballot measure.

(7) Existing law authorizes the proponents of a statewide initiative or referendum measure to withdraw the measure at any time before filing the petition with the appropriate elections official. Existing law also requires that state initiative petitions circulated for signature include a prescribed notice to the public.

This bill would authorize the proponents of a statewide initiative or referendum measure to have the measure withdrawn from the ballot at any time before the measure qualifies for the ballot. The bill would require a petition for a statewide initiative measure to contain additional prescribed language in its notice to the public describing the right of proponents to withdraw the measure from the ballot, as specified.

This bill would make it a crime, with a prescribed penalty, for a person to pay or offer to pay money or other valuable consideration to a proponent of a statewide initiative or referendum measure to obtain the withdrawal of the measure. The bill would also make it a crime for a proponent of a statewide initiative or referendum measure to solicit or accept such a payment or offer of payment. By establishing a new crime, this bill would impose a state-mandated local program.

(8) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(9) The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes upon a $\frac{2}{3}$ vote of each house and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. This act shall be known and may be cited as the
- 2 Ballot Measure Transparency Act.
- 3 SEC. 2. The Legislature finds and declares all of the following:
- 4 (a) Initiative measures, also known as ballot measures or
- 5 propositions, allow California voters to participate directly in
- 6 lawmaking. California voters have enjoyed the right to enact laws
- 7 through the initiative process since 1911. However, many voters
- 8 find it difficult to understand the language of an initiative measure
- 9 and to learn who is behind an initiative measure.
- 10 (b) It is the intent of the Legislature in enacting this act to update
- 11 the initiative process, which is more than 100 years old, by doing
- 12 all of the following:
- 13 (1) Providing voters with more useful information so that they
- 14 are able to make an informed decision about an initiative measure.
- 15 Under this act, the Secretary of State would be required to give
- 16 voters one-stop access to a clear explanation of each measure and
- 17 information about the individuals and groups behind each measure.
- 18 This would give voters updated information about who is spending

1 large sums of money to support or oppose each initiative measure.
2 Voters would also be allowed to request an electronic copy of
3 ballot materials, thereby reducing the expenses of printing and
4 mailing.

5 (2) Providing a voter-friendly explanation of each initiative
6 measure. The act would require that ballot materials be drafted in
7 clear and impartial language.

8 (3) Identifying and correcting flaws in an initiative measure
9 before it appears on the ballot. Currently, proponents of an initiative
10 measure have few options to correct the language of an initiative
11 measure or to withdraw a petition for a proposed initiative measure,
12 even when flaws are identified. This act would give voters an
13 opportunity to comment on an initiative measure before the petition
14 is circulated for signatures. By extending the time for gathering
15 signatures, this act would give the Legislature the opportunity to
16 hold earlier public hearings to review initiative measures. This act
17 would also allow the proponents of an initiative measure to
18 withdraw the measure after the petition and signatures are
19 submitted to elections officials, but before the measure qualifies
20 for the ballot.

21 SEC. 3. Section 101 of the Elections Code is amended to read:

22 101. (a) Notwithstanding any other ~~provision of law, any a~~
23 state or local initiative petition required to be signed by voters
24 shall contain in 12-point type, ~~prior to~~ *before* that portion of the
25 petition for voters' signatures, printed names, and residence
26 addresses, the following language:

27
28 "NOTICE TO THE PUBLIC
29

30 THIS PETITION MAY BE CIRCULATED BY A PAID
31 SIGNATURE GATHERER OR A VOLUNTEER. YOU HAVE
32 THE RIGHT TO ASK."
33

34 (b) *A state initiative petition shall contain, in the same location*
35 *and type size described in subdivision (a), the following language:*
36

37 "THE PROPONENTS OF THIS PROPOSED INITIATIVE
38 MEASURE HAVE THE RIGHT TO WITHDRAW THIS PETITION
39 AT ANY TIME BEFORE THE MEASURE QUALIFIES FOR THE
40 BALLOT."

SEC. 4. Section 303.5 of the Elections Code is amended to read:

303.5. (a) “Ballot title” is the name of a statewide measure included in the ballot label and the ballot title and summary.

(b) “Ballot title and summary” means the summary of the chief purpose and points, including the fiscal impact summary, of any measure that appears in the state ballot pamphlet. The ballot title and summary shall include a statement of the measure’s fiscal impact. ~~This The ballot title and summary shall not exceed 100 words, be not less than 25 words and not more than 150 words in length,~~ not including the fiscal impact statement.

(c) (1) “Circulating title and summary” means the text that is required to be placed on a petition for signatures that is either one of the following:

(A) The summary of the chief purpose and points of a proposed initiative measure that affects the Constitution or laws of the state, and the fiscal impact of the proposed initiative measure.

(B) The summary of the chief purpose and points of a referendum measure that affects a law or laws of the state.

(2) The circulating title and summary shall ~~not exceed 100 words, be not less than 25 words and not more than 150 words in length,~~ not including the fiscal impact summary.

SEC. 5. Section 9002 of the Elections Code is amended to read:

~~9002. (a) The Attorney General shall provide a copy of the title and summary to the Secretary of State within 15 days after receipt of the final version of a proposed initiative measure, or, if a fiscal estimate or opinion is to be included, within 15 days after receipt of the fiscal estimate or opinion prepared by the Department of Finance and the Joint Legislative Budget Committee pursuant to Section 9005. If during the 15-day period the proponents of the proposed initiative measure submit amendments, other than technical, nonsubstantive amendments, to the final version of the measure, the Attorney General shall provide a copy of the title and summary to the Secretary of State within 15 days after receipt of the amendments.~~

9002. (a) Upon receipt of a request from the proponents of a proposed initiative measure for a circulating title and summary, the Attorney General shall initiate a public review process for a period of 30 days by doing all of the following:

(1) *Posting the text of the proposed initiative measure on the Attorney General's Internet Web site.*

(2) *Promoting public participation by inviting on the Attorney General's Internet Web site written public comments on the proposed initiative measure. The site shall accept written public comments for the duration of the public review period. Public comments may address perceived errors in the drafting of, or perceived unintended consequences of, the proposed initiative measure. The Attorney General shall transmit any written public comments received during the public review period to the proponents of the proposed initiative measure.*

(b) *During the public review period, the proponents of the proposed initiative measure may submit amendments to the measure.*

~~(b) The amendment must~~

(1) *An amendment shall be submitted with a signed request by all the proponents to prepare a circulating title and summary using the amended language.*

~~(c) The~~

(2) *An amendment must shall be submitted to the Attorney General's Initiative Coordinator located in the Sacramento Attorney General's Sacramento Office via U.S. United States Postal Service, alternative mail service, or personal delivery. Only printed documents will shall be accepted, accepted; facsimile or e-mail delivery will shall not be accepted.*

(3) *The submission of an amendment shall not extend the period to prepare the estimate required by Section 9005.*

(4) *An amendment shall not be accepted more than five days after the public review period is concluded. However, a proponent shall not be prohibited from proposing a new initiative measure and requesting that a circulating title and summary be prepared for that measure pursuant to Section 9001.*

SEC. 6. Section 9004 of the Elections Code is amended to read:

9004. (a) Upon receipt of the text of a proposed initiative measure, *and after the public review period provided for in Section 9002*, the Attorney General shall prepare a circulating title and summary of the chief purposes and points of the proposed measure. The circulating title and summary shall ~~not exceed a total of 100 words~~ *be not less than 25 words and not more than 150 words in length*. The Attorney General shall also provide a unique numeric

1 identifier for each proposed initiative measure. The circulating
2 title and summary shall be prepared in the manner provided for
3 the preparation of ballot titles and summaries in Article 5
4 (commencing with Section 9050), the provisions of which, in
5 regard to the preparation, filing, and settlement of ballot titles and
6 summaries, are hereby made applicable to the circulating title and
7 summary.

8 (b) The Attorney General shall provide a copy of the circulating
9 title and summary and its unique numeric identifier to the
10 proponents and to the Secretary of State within 15 days after receipt
11 of the fiscal estimate or opinion prepared by the Department of
12 Finance and the ~~Joint Legislative Budget Committee~~ *Legislative*
13 *Analyst* pursuant to Section 9005. The date the copy is delivered
14 or mailed to the proponents is the “official summary date.”

15 (c) Upon receipt of the circulating title and summary from the
16 Attorney General, the Secretary of State shall, within one business
17 day, notify the proponents and county elections official of each
18 county of the official summary date and provide a copy of the
19 circulating title and summary to each county elections official.
20 This notification shall also include a complete schedule showing
21 the maximum filing deadline, and the certification deadline by the
22 counties to the Secretary of State.

23 SEC. 7. Section 9005 of the Elections Code is amended to read:

24 9005. (a) The Attorney General, in preparing a circulating title
25 and summary for a proposed initiative measure, shall, in boldface
26 print, include in the circulating title and summary either the
27 estimate of the amount of any increase or decrease in revenues or
28 costs to the state or local government, or an opinion as to whether
29 or not a substantial net change in state or local finances would
30 result if the proposed initiative is adopted.

31 (b) The estimate as required by this section shall be made jointly
32 by the Department of Finance and the ~~Joint Legislative Budget~~
33 ~~Committee~~ *Legislative Analyst*, who shall deliver the estimate to
34 the Attorney General so that he or she may include the estimate
35 in the circulating title and summary prepared by him or her.

36 (c) The estimate shall be delivered to the Attorney General
37 within ~~25 working~~ 45 days ~~from of~~ the date of receipt of the final
38 ~~version~~ of the proposed initiative measure ~~from~~ by the Attorney
39 General, unless, in the opinion of both the Department of Finance
40 and the ~~Joint Legislative Budget Committee~~ *Legislative Analyst*,

1 a reasonable estimate of the net impact of the proposed initiative
2 measure cannot be prepared within the ~~25-day~~ 45-day period. In
3 the latter case, the Department of Finance and the ~~Joint Legislative~~
4 ~~Budget Committee~~ *Legislative Analyst* shall, within the ~~25-day~~
5 45-day period, give the Attorney General their opinion as to
6 whether or not a substantial net change in state or local finances
7 would result if the proposed initiative measure is adopted.

8 (d) A statement of fiscal impact prepared by the Legislative
9 Analyst pursuant to subdivision (b) of Section 12172 of the
10 Government Code may be used by the Department of Finance and
11 the ~~Joint Legislative Budget Committee~~ *Legislative Analyst* in the
12 preparation of the fiscal estimate or the opinion.

13 SEC. 8. Section 9014 of the Elections Code is amended to read:

14 9014. A petition for a proposed initiative measure or
15 referendum shall not be circulated for signatures ~~prior to~~ before
16 the official summary date. A petition with signatures on a proposed
17 initiative measure shall be filed with the county elections official
18 not later than ~~150~~ 300 days from the official summary date, and
19 ~~no~~ a county elections official shall *not* accept a petition ~~on~~ for the
20 proposed initiative measure after that period. A petition for a
21 proposed referendum measure shall be filed with the county
22 elections officials not later than 90 days from the date the
23 legislative bill was chaptered by the Secretary of State, and a
24 county elections official shall not accept a petition for the proposed
25 referendum after that period.

26 SEC. 9. Section 9033 of the Elections Code is amended to read:

27 9033. (a) When the Secretary of State has received from one
28 or more elections officials or registrars a petition, certified as herein
29 provided to have been signed by the requisite number of qualified
30 voters, the Secretary of State shall forthwith notify the proponents
31 and immediately transmit to the elections official or registrar of
32 voters of every county or city and county in the state; a ~~certificate~~
33 *notice of qualification* showing this fact so that signature
34 verification can be terminated. A petition shall be deemed to be
35 filed with the Secretary of State upon the date of the receipt by the
36 Secretary of State of a certificate or certificates showing the petition
37 to be signed by the requisite number of voters of the state. Any
38 elections official shall, upon receipt of the copy, file the notification
39 for record in that office.

1 (b) *On the 131st day before an election at which an initiative*
2 *measure is to be voted upon, the Secretary of State shall issue a*
3 *certificate identifying each initiative measure for which he or she*
4 *issued a notice of qualification, as required by subdivision (a), on*
5 *or before that date.*

6 SEC. 10. Section 9034 of the Elections Code is amended to
7 read:

8 9034. (a) *The proponents of a proposed initiative measure*
9 *shall submit a certification, signed under penalty of perjury, to*
10 *the Secretary of State immediately upon the collection of 25 percent*
11 *of the number of signatures needed to qualify the initiative measure*
12 *for the ballot.*

13 (b) ~~Upon the receipt of the certification of an initiative measure~~
14 ~~for the ballot, required by subdivision (a), the Secretary of State~~
15 ~~shall transmit copies of the initiative measure, together with the~~
16 ~~circulating title and summary as prepared by the Attorney General~~
17 ~~pursuant to Section 9004, to the Senate and the Assembly. Each~~
18 ~~house shall assign the initiative measure to its appropriate~~
19 ~~committees. The appropriate committees shall hold joint public~~
20 ~~hearings on the subject of such the measure prior to not later than~~
21 ~~131 days before the date of the election at which the measure is~~
22 ~~to be voted upon. However, no hearing may be held within 30 days~~
23 ~~prior to the date of the election.~~

24 ~~Nothing in this~~

25 (c) *This section shall not be construed as authority for the*
26 *Legislature to alter the initiative measure or prevent it from*
27 *appearing on the ballot.*

28 SEC. 11. Section 9051 of the Elections Code is amended to
29 read:

30 9051. (a) (1) *The ballot title and summary may differ from*
31 *the legislative, circulating, or other title and summary of the*
32 *measure and shall not exceed 100 be not less than 25 words and*
33 *not more than 150 words in length, not including the fiscal impact*
34 *statement.*

35 (2) ~~The ballot title and summary shall be amended to include a~~
36 ~~summary of the Legislative Analyst's estimate of the net state and~~
37 ~~local government fiscal impact prepared pursuant to Section 9087,~~
38 ~~9087 of this code and Section 88003 of the Government Code.~~

39 (b) *The ballot label shall not contain no more than 75 words*
40 *and shall be a condensed version of the ballot title and summary*

1 including the financial impact summary prepared pursuant to
2 Section 9087 of *this code* and Section 88003 of the Government
3 Code.

4 (c) In providing the ballot title and summary, the Attorney
5 General shall give a true and impartial statement of the purpose
6 of the measure in such language that the ballot title and summary
7 shall neither be an argument, nor be likely to create prejudice, for
8 or against the proposed measure. *The ballot title and summary*
9 *shall also satisfy all of the following:*

10 (1) *Be written in clear and concise terms, understandable to*
11 *the average voter, and in an objective and nonpartisan manner,*
12 *avoiding the use of technical terms whenever possible.*

13 (2) *If the measure imposes or increases a tax or fee, the type*
14 *and amount of the tax or fee shall be described.*

15 (3) *If the measure repeals existing law in any substantial*
16 *manner, that fact shall be included.*

17 (4) *If the measure is contingent on the passage or defeat of*
18 *another measure or statute, that fact shall be included.*

19 (d) *The Legislature shall provide the Attorney General with*
20 *sufficient funding for administrative and other support relating to*
21 *preparation of the ballot title and summary for initiative measures,*
22 *including, but not limited to, plain-language specialists.*

23 (e) *The Attorney General shall invite and consider public*
24 *comment in preparing each ballot title and summary.*

25 SEC. 12. Section 9082.7 of the Elections Code is amended to
26 read:

27 9082.7. (a) The Secretary of State shall ~~disseminate~~ *make*
28 *available* the complete state ballot pamphlet over the Internet.

29 (b) *The Secretary of State shall create an Internet Web site, or*
30 *use other available technology, to consolidate information about*
31 *each ballot measure in a manner that is easy for voters to access*
32 *and understand. The information shall include all of the following:*

33 (1) *A summary of the ballot measure's content.*

34 (2) *The sources of funding for each committee formed or existing*
35 *primarily to support or oppose the ballot measure, as described*
36 *in Section 82047.5 of the Government Code.*

37 (3) *A statement identifying the 10 donors who have contributed*
38 *the largest amounts to campaigns for and against a ballot measure.*
39 *The statement shall be updated as new information becomes*
40 *available to the public pursuant to the Political Reform Act of*

1 1974 (Title 9 (commencing with Section 81000) of the Government
2 Code).

3 (4) Any other Internet Web site hyperlinks to other relevant
4 information.

5 SEC. 13. Section 9092 of the Elections Code is amended to
6 read:

7 9092. Not less than ~~20~~ 25 days before he or she submits the
8 copy for the ballot pamphlet to the State Printer, the Secretary of
9 State shall make the copy available for public examination. Any
10 elector may seek a writ of mandate requiring any copy to be
11 amended or deleted from the ballot pamphlet. A peremptory writ
12 of mandate shall issue only upon clear and convincing proof that
13 the copy in question is false, misleading, or inconsistent with the
14 requirements of this code or Chapter 8 (commencing with Section
15 88000) of Title 9 of the Government Code, and that issuance of
16 the writ will not substantially interfere with the printing and
17 distribution of the ballot pamphlet as required by law. Venue for
18 a proceeding under this section shall be exclusively in Sacramento
19 County. The Secretary of State shall be named as the respondent
20 and the State Printer and the person or official who authored the
21 copy in question shall be named as real parties in interest. If the
22 proceeding is initiated by the Secretary of State, the State Printer
23 shall be named as the respondent.

24 SEC. 14. Section 9094.5 of the Elections Code is amended to
25 read:

26 9094.5. (a) The Secretary of State shall establish a process to
27 enable a voter to opt out of receiving by mail the state ballot
28 pamphlet prepared pursuant to Section 9081 *and to instead receive*
29 *the state ballot pamphlet in an electronic format*. This process
30 shall become effective only after the Secretary of State certifies
31 that the state has a statewide voter registration database that
32 complies with the federal Help America Vote Act of 2002 (42
33 U.S.C. Sec. 15301 et seq.).

34 (b) The process described in subdivision (a) shall not apply
35 where two or more registered voters have the same postal address
36 unless each voter who shares the same postal address has chosen
37 to discontinue receiving the ballot pamphlet by mail.

38 (c) The Secretary of State shall also establish a procedure to
39 permit a voter to begin receiving the ballot pamphlet by mail again

1 after the voter has discontinued receiving it pursuant to subdivision
2 (a).

3 SEC. 15. Section 9604 of the Elections Code is amended to
4 read:

5 9604. (a) Notwithstanding any other ~~provision of~~ law, any
6 person may engage in good faith bargaining between competing
7 interests to secure legislative approval of matters embraced in a
8 statewide or local initiative or referendum measure, and the
9 proponents may, as a result of these negotiations, withdraw the
10 measure at any time before filing the petition with the appropriate
11 elections official.

12 *(b) In addition to the procedure under subdivision (a), the*
13 *proponents of a statewide initiative or referendum measure may*
14 *withdraw the measure after filing the petition with the appropriate*
15 *elections official at any time before the measure qualifies for the*
16 *ballot.*

17 ~~(b)~~

18 (c) Withdrawal of a statewide initiative or referendum measure
19 shall be effective upon receipt by the Secretary of State of a written
20 notice of withdrawal, signed by all proponents of the measure.

21 ~~(c)~~

22 (d) Withdrawal of a local initiative or referendum measure shall
23 be effective upon receipt by the appropriate local elections official
24 of a written notice of withdrawal, signed by all proponents of the
25 measure.

26 (e) *The proponents of a statewide initiative or referendum*
27 *measure shall not solicit or accept, and a person shall not offer*
28 *or pay, any money or other valuable consideration to obtain the*
29 *withdrawal of a statewide initiative or referendum measure from*
30 *the ballot. A violation of this subdivision shall be subject to the*
31 *same penalty as provided for in Section 18660.*

32 SEC. 16. Section 88006 of the Government Code is amended
33 to read:

34 88006. Not less than ~~20~~ 25 days before he or she submits the
35 copy for the ballot pamphlet to the State Printer, the Secretary of
36 State shall make the copy available for public examination. Any
37 elector may seek a writ of mandate requiring the copy to be
38 amended or deleted from the ballot pamphlet. A peremptory writ
39 of mandate shall issue only upon clear and convincing proof that
40 the copy in question is false, misleading or inconsistent with the

1 requirements of this chapter or the Elections Code, and that
2 issuance of the writ will not substantially interfere with the printing
3 and distribution of the ballot pamphlet as required by law. Venue
4 for a proceeding under this section shall be exclusively in
5 Sacramento County. The Secretary of State shall be named as the
6 respondent and the State Printer and the person or official who
7 authored the copy in question shall be named as real parties in
8 interest. If the proceeding is initiated by the Secretary of State, the
9 State Printer shall be named as the respondent.

10 SEC. 17. No reimbursement is required by this act pursuant to
11 Section 6 of Article XIII B of the California Constitution because
12 the only costs that may be incurred by a local agency or school
13 district will be incurred because this act creates a new crime or
14 infraction, eliminates a crime or infraction, or changes the penalty
15 for a crime or infraction, within the meaning of Section 17556 of
16 the Government Code, or changes the definition of a crime within
17 the meaning of Section 6 of Article XIII B of the California
18 Constitution.

19 SEC. 18. The Legislature finds and declares that this bill
20 furthers the purposes of the Political Reform Act of 1974 within
21 the meaning of subdivision (a) of Section 81012 of the Government
22 Code.